

REMARKS/ARGUMENTS

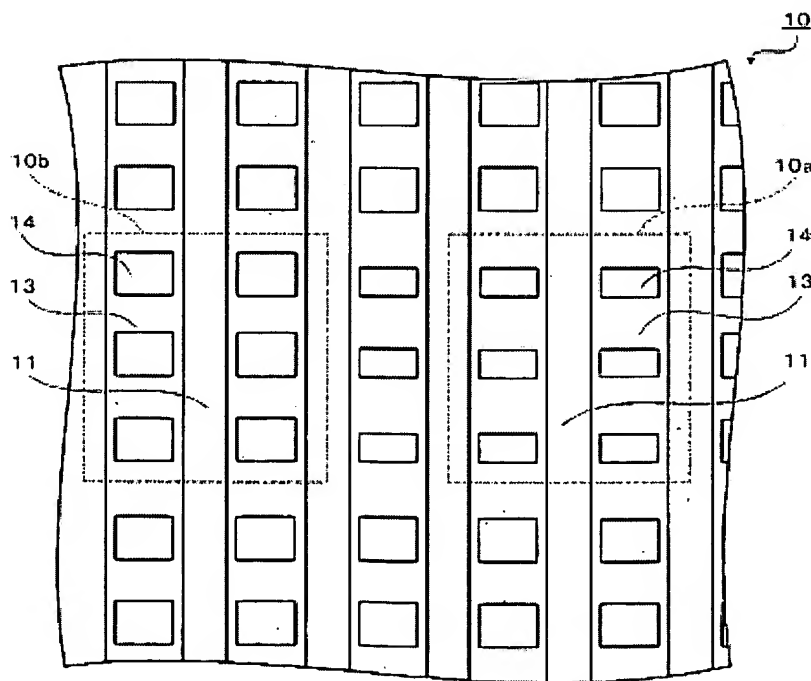
Claims 1-2 and 4 are amended by this response. No claims are canceled or added.

Accordingly, following entry of these amendments and remarks, claims 1-4 will remain pending.

The Examiner is thanked for the courtesy of the telephone interview held April 2, 2009 regarding the above-captioned case, in which Mr. Tobin and Examiner Belousov participated. In that telephone interview, Examiner Belousov tentatively indicated that amendment of claim 1 as indicated above to recite a plurality of third regions, would be sufficient to overcome the indefiniteness claim rejections. Accordingly, the Examiner is respectfully requested to confirm in the next office action that the indefiniteness claim rejections have indeed been overcome.

Also during the telephone interview, the rejection of the claims as anticipated by JP-2004-228553 to Torii et al. ("the Torii Reference") was discussed. The Examiner noted that claim 1's former recitation of occupation of the second semiconductor region at a rate, did not take into account the fact that the third semiconductor region exhibits a volume as well as a surface area (for example as depicted in the cross-section of FIG. 2 of the Torii Reference).

Accordingly, as shown at least in FIG. 1 (reproduced below), claim 1 has now been amended to indicate that a surface area of third semiconductor regions (14) in the circumference (10b) of a semiconductor base, are larger than a surface area of the third semiconductor regions (14) enclosed in a center (10a) of the semiconductor base.



It is respectfully asserted that claim 1 as amended, is not anticipated by the Torii Reference. Specifically, FIGS. 1(b), 7, 9, and 11 (reproduced respectively below) of the Torii Reference, show plan views of different configurations in which a surface area of an emitter varies with position on a substrate:

FIG. 1(b)

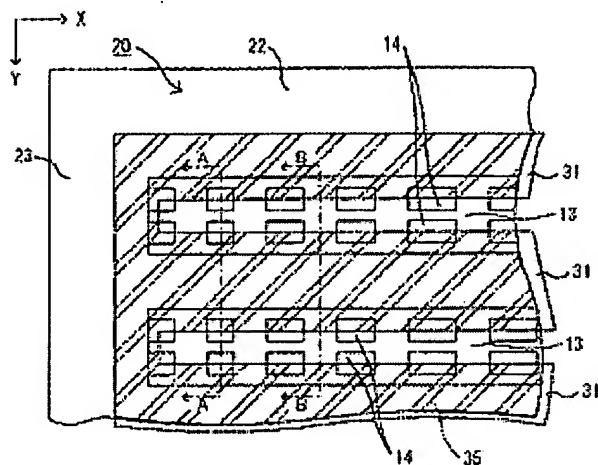


FIG. 7

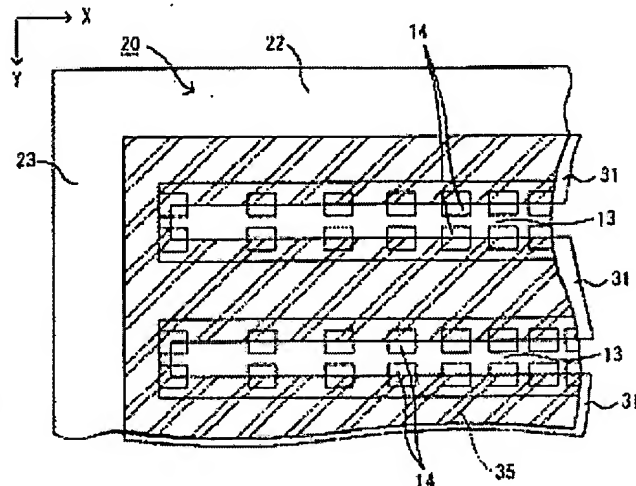


FIG. 7

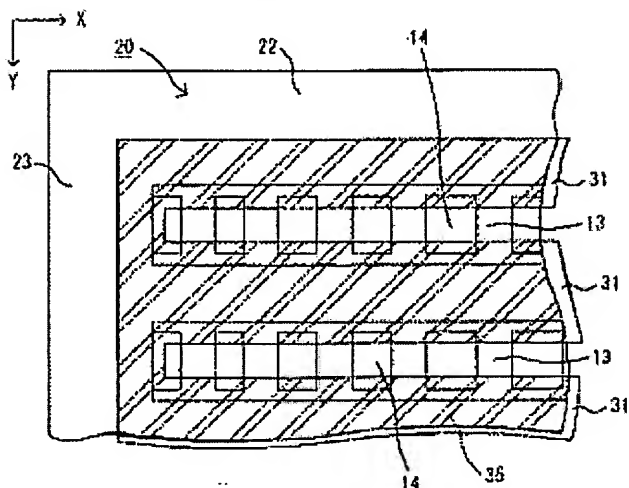
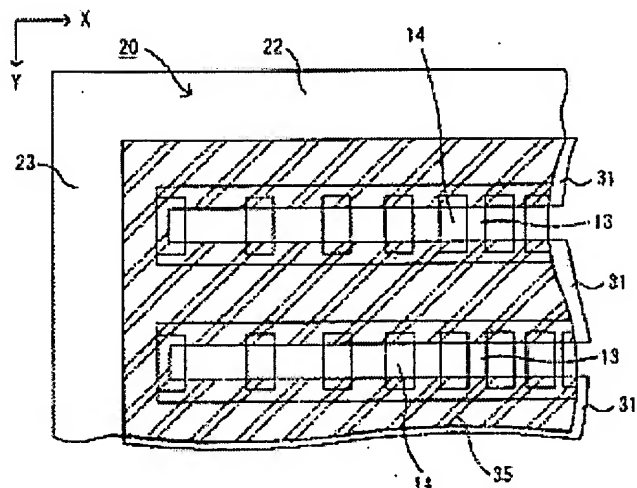


FIG. 11



In none of these figures, however, does the purported third region (emitter 14) exhibit a smaller surface area at an enclosed center than at a circumference.

Based upon the failure of the reference being relied upon by the Examiner to teach or even suggest every element of the pending claims, it is respectfully asserted that the claims cannot legitimately be considered anticipated, and the claim rejections should be withdrawn.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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